

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

United States of America,

Plaintiff,

v.

Honorable Sean F. Cox

Twenty Two Thousand Nine Hundred
Twenty-Seven Dollars in U.S. Currency,
et al.,

Case No. 08-12945

Defendants.

OPINION & ORDER
GRANTING MOTION FOR DEFAULT JUDGMENT

This forfeiture action is currently before the Court on the Government's Motion for Default Judgment Against All Interested Parties. For the reasons set forth below, the motion shall be GRANTED.

On July 10, 2008, the Government filed this *in rem* civil forfeiture action, pursuant to 7 U.S.C. § 2024(g) and 18 U.S.C. §§ 981 and 984, seeking forfeiture of the Defendant Property. The Defendant Property was seized in connection with an investigation concerning alleged food stamp fraud. (*See Compl.*).

On October 24, 2008, the Government filed the instant motion seeking entry of default judgment against all interested parties. In its motion, the Government states that: 1) copies of the Complaint for Forfeiture and Warrant of Arrest and Notices in Rem were served upon all interested parties and/or their counsel (Docket Entries Nos. 2, 3, and 6); and 2) notice of this action was published in the Detroit Legal News on August 13, 2008 and August 20, 2008, directing any person claiming an interest in the Defendant Property to file a verified claim within

35 days of the notice and an answer to the complaint. (Docket Entry Nos. 5 & 7). The Government notes that no verified claims and no answers have been filed by any persons within the time provided for doing so.

A Clerk's Entry of Default was entered on October 16, 2008. (Docket Entry No. 10). In support of its Motion, the Government has also submitted an Affidavit of Majority, Non-Incompetence, and Non-Military Status that indicates that based upon an investigation by the Internal Revenue Service, Nabil Shamel and Jamel Chami are not minors, are not presently serving in the military and are not incompetent persons. (Docket Entry No. 12).

This Court held a hearing on the Government's Motion for Default Judgment on February 19, 2008. Although the Government appeared for the hearing, no persons claiming an interest to the Defendant Property, or opposing the Government's motion, appeared at the hearing. In addition, no written opposition to the Government's motion has been filed by any party.

Having reviewed the motion, the Court is satisfied that the Government is entitled to entry of a default judgment in this matter. IT IS THEREFORE ORDERED that the Government's Motion for Entry of Default Judgment is GRANTED.

s/Sean F. Cox
Sean F. Cox
United States District Judge

Dated: February 19, 2009

I hereby certify that a copy of the foregoing document was served upon counsel of record on February 19, 2009, by electronic and/or ordinary mail.

s/Jennifer Hernandez
Case Manager